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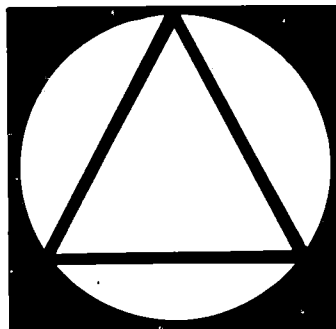
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The Coalition

National surveys reveal strong support for disability rights and services

The American public endorses "special efforts" on behalf of disabled people despite widely reported conservative shifts on social programs generally, according to recent national opinion polls conducted by the respected survey-research firm of Yankelovich, Skelly, and White. The firm also found broad support among leaders and the general public for advocacy on behalf of the nation's 36 million disabled people.

The Yankelovich findings are significant because of the light they shed on "Proposition 13"-style tax revolts. The results indicate that *an overwhelming majority of Americans believe the time has come for increased services and expanded rights for persons with physical, mental, and sensory impairments.*

Asked if they supported special efforts on behalf of disabled people, minorities, women, and ex-convicts, **79%** responded "Yes" with respect to disabled people, almost double the average for the other three segments of American society studied. The results were: *Disabled People, 79% "Yes," 14% "No," and 7% "Don't Know"; Women, 47% "Yes," 46% "No," and 7% "Don't Know"; Minorities, 44% "Yes," 48% "No," and 7% "Don't Know"; and Ex-Convicts, 38% "Yes," 45% "No," and 18% "Don't Know."*

"Special efforts" may include accessibility modifications in buildings and facilities, accommodations permitting employment by qualified disabled individuals, mainstreaming in public schools, and similar provisions. The support for special efforts on behalf of disabled people held remarkably constant regardless of the age, sex, race, economic status, education, or employment of the respondent.

With respect to advocacy, **71%** agreed with the statement: "Advocates for the handicapped are mostly asking for long-overdue changes." Fundamental rights and essential services for disabled people have been in effect less than two years in many instances. One-quarter (25%) of

the 2,223 respondents endorsed the statement: "Advocates for the rights of the handicapped are sometimes unrealistic in their demands," and 4% were undecided.

The survey-research firm also polled 149 *opinion leaders*, including federal and state legislators, agency administrators, union leaders, interest-group representatives, and city officials on their attitudes toward advocacy on behalf of disabled people. *The overall proportion favoring such advocacy was 65%*, while 29% believed that more advocacy was not needed, and 6% were not sure. Among *federal lawmakers*, the proportions were, respectively, **72%**, 20%, and 8%. *Union leaders* were even more supportive: **86%** favored more advocacy, while 7% did not and another 7% were undecided. By contrast, a majority (56%) of *city officials* opposed increased advocacy, 33% favored more, and 11% were undecided.

The survey indicates that, despite heavy press coverage of the projected costs of barrier removal, Americans want architectural, transportation, education, and other obstacles removed. Disability rights may be one notable exception to the reported growing public aversion to new social programming. If this is an accurate reading of the Yankelovich results, ACCD Director Dr. Frank Bowe stated, it is welcome news: "Designing for access to everyone costs no more than does inaccessible construction. Renovation, however, can be expensive. It is encouraging to see these findings because they reveal widespread support among American people for the barrier-removal efforts that will be necessary if America is to become truly accessible to all its citizens."

Dr. Bowe noted that the survey results are especially relevant with respect to sections 501, 502, 503, and 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended; the Education for All Handicapped Children Act of 1975 (P.L. 94-142); and the recently enacted Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (P.L. 95-602).

Additional information on the polls is available from ACCD.

Volume II, Number 1
Spring, 1979



DOT Secretary Brock Adams, left, receives ACCD's Citation of Merit from Coalition Director Frank Bowe. Photo: Nate Fine.

Transbus is bus of future

The U.S. Department of Transportation (DOT) has announced that three consortia of major cities have formed to place advance orders for Transbus and that the mass-transit vehicle should be on the streets in the early 1980's. The announcement culminates more than eight years of research and development by the Department in response to five separate laws enacted by the Congress.

Transbus is the first fully-accessible standard-size bus to be designed in this country. It offers passengers a ride quality approaching that of private automobiles while reducing trip time and other transit costs. The wide doors, low floors, and front door ramps or lifts provide elderly and disabled individuals equal access to public transportation. The Department estimates that as many as 13.3 million people previously able to use buses only occasionally or not at all will be able to benefit from the new design.

ACCD awarded DOT Secretary Brock Adams its first "Citation of Merit" in recognition of his leadership on Transbus. The 8 November 1978 ceremony celebrated announcement of the first consortia and promulgation of design standards for

production of Transbus. ACCD Director Bowe praised Adams for exercising "precisely the kind of leadership the Coalition wishes to encourage: you applied the best research and technology capabilities toward solution of a long-standing problem and in doing so not only improved bus services for all Americans but achieved genuine equality for disabled and elderly persons who had been all but denied access to mass transit." Accepting the award, Secretary Adams pledged: "We will get Transbus on the road. I am fully committed to this bus and everything it stands for." *William Hutton*, executive director of the National Council of Senior Citizens, *Deborah Kaplan*, director of the Disability Rights Center, *Ralf Hotchkiss*, director of the Center for Concerned Engineering, and *James Raggio*, attorney with the Public Interest Center of Philadelphia, joined Dr. Bowe for the ceremony.

Rehabilitation amendments promise services, rights, jobs

P.L. 95-602, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, called by Congressional leaders a landmark in the history of federal legislation for disabled people, was signed into law by President Carter 6 November 1978. The law is significant because it greatly expands research into the prevention, cure, and amelioration of disability, because it establishes for the first time a national commitment to "independent living" for severely disabled people, and because it provides innovative jobs-creation programs for disabled individuals.

The legislation, which amends and extends the Rehabilitation Act of 1973 as well as the Developmental Disabilities Assistance and Bill of Rights Act of 1975, also expands protection offered disabled persons against possible discrimination. Attorneys' fees are provided for disabled complainants under sections 501 and 504 of the 1973 Act; federal agencies are required to abide by the provisions of section 504; and the Architectural and Transportation Barriers Compliance Board, an independent federal agency, is granted increased authority to investigate violations of accessibility statutes.

A **National Institute of Handicapped Research** is created which will coordinate all research on disability issues that is conducted by or sponsored through federal agencies. The Institute is expected to channel governmental research more effectively and efficiently so as to enhance the eventual eradication of disability and to improve education and rehabilitation for persons who are disabled. A *National Council on the Handicapped* will estab-

lish general policies for and oversee the work of the Institute and of the Rehabilitation Services Administration (RSA), which will continue to manage vocational training. Disabled people, researchers, and rehabilitation professionals will be represented on the council.

Independent living programs providing essential support services for persons so severely disabled that vocational objectives are not immediately attainable will be provided through RSA and state rehabilitation agencies. First proposed in 1961, independent living has long been a goal for those concerned about the needs of individuals who are unnecessarily dependent upon their families and federal financial assistance.

The Department of Labor (DOL) is authorized to administer a *jobs program* offering employment to disabled persons through community organizations and agencies. Supportive services, including interpreters for deaf people, readers for blind individuals, and personal-care assistants for severely physically impaired persons will be made available. Eligible individuals will not have to renounce social security or other benefits as a condition of employment; this is a historic attempt to remove a persistent disincentive to employment of disabled persons. The Labor Department expects to offer as many as 20,000 jobs to unemployed disabled individuals nationwide.

Disabled persons who are successful in demonstrating that they have been discriminated against may collect reasonable attorneys' fees if the case falls under sections 501 or 504 of the 1973 Rehabilitation Act, as amended. Attorneys' fees have been available for women and minorities in the past, but this law establishes the privilege for disabled people for the first time. Another important advance requires federal agencies, which are authorized to require recipients of their grants to comply with section 504 of the 1973 Act, to abide themselves by the statute. And the *Architectural Board* is empowered to sue and be sued on issues arising out of the Architectural Barriers Act of 1968, including those concerned with communication barriers facing deaf, blind, and other disabled persons. Membership on the Board is expanded to include eleven public members, five of whom must be disabled.

The new law also contains authorizations for services by interpreters for deaf people and readers for blind persons. Comprehensive rehabilitation centers may be supported by state agencies to provide a broad range of essential services. The law also expands training for rehabilitation personnel, including supportive-service workers such as interpreters and readers.

Pennhurst decision sets precedent

U.S. District Court Judge Raymond J. Broderick ruled 23 December 1977 that section 504 of the Rehabilitation Act of 1973, as amended, prohibits segregation of services for retarded persons at Pennhurst Center, Spring City, Pennsylvania. Basing his decision upon what Justice Department attorney Arthur Peabody called "the most complete record of any right-to-treatment case tried in the United States in any Federal District Court," Judge Broderick established with his opinion a powerful precedent potentially affecting virtually every institution in the United States that serves retarded individuals. Eighty witnesses, including fourteen international experts, among them *National Association for Retarded Citizens Executive Director Philip Roos*, testified in the nine-week trial.

The case was the first in which a Federal District Court considered the legislative history and HEW regulation on section 504, the first to apply the statute to a large class of disabled individuals, and the first to establish that section 504 mandates community-based, small-scale, and integrated services to all retarded individuals on an equal basis.

Testimony revealed that costs are almost halved when retarded persons reside in and are served by the community as opposed to being institutionalized in Pennhurst. More important, the individuals are likely to attain high levels of functioning and independence when mainstreamed, but often deteriorate in social skills and other competencies when placed in segregated settings. Clearly, community-based programs benefit both retarded persons and society at large.

The Broderick opinion is particularly significant because Pennsylvania, according to the President's Committee on Mental Retardation, is one of the nation's best states at provision of quality care in institutions. Thus, if Pennhurst is in violation of section 504, the 180 other institutions throughout the country which serve more than 238,000 individuals are likely also in violation.

State and local defendants were unable to produce even a single witness who would refute the plaintiffs' charges. Said Pennhurst superintendent Duane Youngberg: "I don't think there should be a Pennhurst. In a large, residential facility, good
(Please turn to page five.)

The Coalition is published quarterly by the American Coalition of Citizens with Disabilities, Inc., (ACCD), 1346 Connecticut Avenue, N.W., Washington, D.C. 20036, telephone 202/785-4265. Articles appearing in the newsletter may be reprinted without permission; credit would be appreciated.

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ACCD: representing disabled people in government, industry, and media

An open coalition

The American Coalition of Citizens with Disabilities, Inc., (ACCD), is a nationwide umbrella association of 75 *national, state, and local organizations* of and for virtually every category of disabled people. Members include the major consumer organizations and many professional associations. Governed by an annual Delegate Assembly, to which member groups designate delegates, and a Board of Directors elected by the Assembly, the Coalition is the only national association with so broad a mandate to be *operated by disabled people themselves*. ACCD strives to enhance the human and civil rights of disabled people through promotion of consumer and professional involvement in decision-making on national, state, and local levels, research and training, and information and referral programs.

The member organizations together represent more than seven *million* of the nation's 36 million disabled citizens. Among the major consumer groups are: American Council of the Blind, Coalition for Barrier-Free Living, Disabled in Action of New Jersey, Disabled in Action of New York, Disabled in Action of Pennsylvania, Florida Council of Handicapped Organizations, Massachusetts Council of Organizations of the Handicapped, National Association of the Deaf, National Association of the Physically Handicapped, National Paraplegia Foundation, Ohio Coalition of Citizens with Disabilities, Oklahoma Coalition of Citizens with Disabilities, New Mexico Handicap Association, Paralyzed Veterans of America, Teletypewriters for the Deaf, and Wheels to Independence.

Several members, including Association for Children with Learning Disabilities, National Association for Retarded Citizens, and United Cerebral Palsy Associations, are parent-based organizations. Professional member groups include: Association of Rehabilitation Facilities, Association of Rehabilitation Research & Training Centers, Council for Exceptional Children, Council of State Administrators of Vocational Rehabilitation, Goodwill Industries of America, National Easter Seals Society for Crippled Children and Adults, National Rehabilitation Association, and the Washington Research Project (Children's Defense Fund).

Annual dues are \$200 for national members, \$50 for state organizations, and \$25 for local groups. Professional members, regardless of scope, have \$200 annual

dues. Organizations wishing to apply for membership are considered by the Board of Directors at its quarterly meetings and its decisions are ratified by the Delegate Assembly. Individual membership is open to interested persons, disabled or not disabled, for annual dues of \$5. ACCD, as a 501(c)(3) organization, welcomes contributions and donations, which are tax-deductible. Additional information on membership and contributions is available by writing to the Coalition's national office.

Board members

The Coalition's Board of Directors features fourteen distinguished disabled leaders from across the country. *President Terrence J. O'Rourke* is president of T. J. Publishers, Inc. of Silver Spring, Maryland. He is an internationally renowned authority on sign language. *First Vice President Phyllis Rubenfeld* coordinates a counseling program at Hunter College in New York City. *Second Vice President Judith Heumann* is deputy director of the famous Berkeley (California) Center for Independent Living. *Secretary Reese Robrahn* is Executive Director of Indices, Inc., of Falls Church, Virginia. *Treasurer John Lancaster* is advocacy director of Paralyzed Veterans of America.

Other members of the Board are: *Elizabeth Fetter*, Dallas, Texas; *Ann Ford*, Framingham, Massachusetts; *Deborah Kaplan*, Washington, D.C.; *Janiece Petersen*, Washington, D.C.; *Julius Shaw*, New York City; *Max Starkloff*, St. Louis, Missouri; *Vivienne Thomson*, Boston, Massachusetts; *Joseph Veisz*, St. Petersburg, Florida; and *Andrew Woods*, Washington, D.C.

The Board serves without remuneration and often pays its own expenses. The officers and members are selected by delegates appointed by organizational members and serve two-year, renewable, terms.

The Board members, who also serve as chairpersons of the organization's committees and task forces, establish the Coalition's policy and govern its operation between the annual conventions of the Delegate Assembly. The range of issues confronting the Board is broad and the questions brought before it are often complex and difficult to resolve. Among the areas attracting the Board's attention over the past few months are: implementation of P.L. 94-142, the Education for All Handicapped Children Act of 1975; enforcement of section 504 of the Rehabilitation

Act of 1973; regulations promulgated by the Department of Housing and Urban Development; Transbus and the feasibility of mandating access to mass-transit subway systems; defining disability and the adequacy of census data based upon different definitions; community organizing on the local level by disabled individuals; the Equal Rights Amendment and its implications for disabled women; development of leadership among disabled people throughout the nation; employment discrimination and remedies; and the unique concerns of minority disabled individuals.

ACCD is truly fortunate to have so illustrious and dedicated a Board of Directors.

Information and referral programs

The Coalition, as a national organization working for all disabled persons, attracts thousands of letters and telephone inquiries annually. It provides information on general rights and services to disabled individuals, their parents and other relatives, professionals, and members of the general public. Questions regarding specific disabilities or particular professions are referred to member organizations for response. The information-and-referral program is perhaps our most important, because through it we offer direct, personal assistance to people who need accurate, objective, and timely help with pressing problems and concerns.

The program is coordinated by staff members *Jan Corinne Saunders* and *Marcia Miller*, assisted by *Rose Ann Jackson*. It is supported at present almost exclusively through individual and organizational membership dues.

ACCD also distributes and publishes several books of interest to disabled people and others interested in disability. One, **Handicapping America**, offers an overview of the entire spectrum of disability rights, legislation, and programs. Another, **Coalition Building**, traces the organization's advocacy efforts and describes how it does its work. **Self-Help Groups in Rehabilitation and Planning Effective Advocacy Programs** are two of ACCD's most recent publications. A fifth book, **Rehabilitating America**, will be available in the Fall of 1979.

The Coalition publishes two newsletters. One, **ACCD Action**, appears monthly, while the other, **The Coalition**, is a quarterly. Both are printed and distributed almost exclusively with funds from membership dues and contributions, and are available to individual and organizational members.

Research and training

ACCD conducts projects supported in part by federal and private agencies and organizations as part of its commitment to enhancing participation by disabled people in community affairs and programs affecting their lives. These research and training projects are coordinated by *Jane Ann Razeghi*, whose area of concentration is career and vocational education, and *Rita Varela*, who specializes in rehabilitation. Assisting them are *Ted Brosnan*, an employment expert, and *John Williams*, a publications specialist.

The Coalition's research and training in the area of rehabilitation focus upon consumer involvement techniques and procedures. One three-year project is attempting to identify practices of demonstrated effectiveness in enabling disabled persons who represent broad constituencies to achieve an impact upon rehabilitation programming on the state level. Ms. Varela also coordinates a short-term training project instructing rehabilitation counselors on methods of working cooperatively with consumer organizations in the development of agency policy and delivery of rehabilitation services.

In an unusual project, Ms. Razeghi is training disabled adults who have successfully obtained employment in their chosen fields to become consultants to state and local education agencies on issues related to career and vocational education.

ACCD is conducting a pilot project to plan a national advocacy program focusing upon implementation of effective regulations for section 504 of the Rehabilitation Act of 1973, as amended, and for the social security income programs. The Coalition also offers technical assistance to organizations performing grants and contracts for federal agencies over a broad range of issues.

Mr. Brosnan is conducting a popular series of workshops for corporate equal-opportunity specialists on techniques of providing reasonable accommodation and affirmative action for disabled persons. The training is highly specific and equips the participants with immediately applicable skills and procedures which have proven effectiveness yet low cost.

The Coalition's research and training activities are supported by the *Rehabilitation Services Administration*, the *U.S. Office of Education*, the *Community Services Administration*, and other public and private agencies and organizations. The *Equitable Life Assurance Society of the United States* is helping us to expand our research and training programs.

International activities

Because the Coalition is a unique organization—in no other country do disabled people themselves operate an organization with quite so broad a mandate—it is often asked to provide technical assistance and consultation by professionals and disabled persons from other nations. ACCD is assisting the *World Rehabilitation Fund* in its international exchange of experts and exchange of information programs, *Rehabilitation International* on its upcoming World Congress, the *United Nations* on the 1981 International Year of Disabled Persons, and the *State of Israel* on improving rehabilitation and education for disabled people following peace in the Middle East.

The potential for contributions benefiting the estimated 400 million disabled persons throughout the world, however, is far greater than ACCD's current resources will allow it to meet. The Coalition is seeking support from international corporations and other sources to enable it to assist disabled people, private practitioners, and government officials in other nations to recognize more fully the abilities of disabled individuals, to involve disabled people more completely in planning programs and activities, and to upgrade the employment status of disabled adults. There can be no question that disabled people worldwide enjoy fewer rights, receive less adequate services, and live less fulfilling lives than do those who are able-bodied. ACCD hopes to be able to apply what it has learned in the United States to conditions facing disabled people in other nations. The application of these lessons should be relatively direct owing to the fact that the barriers and obstacles confronting people with disabilities are essentially the same throughout the world.

Administration

The national staff is headed by ACCD Director *Frank Bowe*, a research psychologist. He is assisted in fund-raising by *William Murphy*, Executive Vice President of *R. F. Dini & Associates* of Houston. Comptroller *Bernard Glazer* handles the organization's accounting, with consultation provided pro bono by the respected firm of *Peat, Marwick, Mitchell, & Co.*

Publications available from ACCD

Handicapping America, Frank Bowe's comprehensive overview of disability in the United States, has been called "a penetrating, sensitive, and startlingly different look at what it means to be disabled . . . a major first book in the sense that *The Feminine Mystique* was a major first book for another movement" (*Louisville Courier-Journal*); "informed, well-reasoned . . . articulate and eminently sensible" (*Kirkus Reviews*); "eloquent and insistent" (*Salt Lake Tribune*); "a consciousness-raiser." (*New York Daily News*)

Coalition Building, an account of ACCD's beginnings and its first victories, has been praised highly by disabled people and professionals in rehabilitation and education. **\$4.00**

Self-Help Groups in Rehabilitation (New) **FREE**

Planning Effective Advocacy Programs (New) **\$4.00**

To Order: Send a check for the amount indicated, plus \$1.25 postage and handling, to ACCD, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. Discounts of 10% available on orders of 10 or more.

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Disability statistics

Do you know how many adult Americans are disabled? How disability rates vary by race, sex, geographical distribution? How many disabled people are in need of assistance in daily living? What the most frequent causes of disability are? How disabled and nondisabled people differ in use of medical care programs and facilities? How much disabled people earn and what kinds of jobs they hold? If not, a recent publication of the Social Security Administration (SSA) may interest you.

Work Disability in the United States, available from the U.S. Government Printing Office, presents the findings, in summary form, of SSA's most recent survey of disabled adults. The data are shocking even to professionals in the field:

Of 106 million Americans aged 20-64 in the non-institutionalized population, 15 million were limited in their ability to work. Half of these people were unable to work altogether or to work regularly. (When children, institutionalized persons, and elderly citizens are included, the disabled population numbers 36 million.)

Black persons have the highest rates of disability, almost twice as high as whites and other persons.

Fully 44 percent of those judged totally disabled had an elementary education or less; one third had a high school education or less; and only nine percent had any college.

Totally disabled persons spent three times as much for medical care as did nondisabled persons, but earned only half as much.

The average income for a totally disabled person who was married was \$6,000; among those who were not married, it stood at \$1,600. These figures include benefits, annuities, insurance payments, medical-care support, and other sources as well as salaries and wages.

The survey was conducted in 1972 and results were recently published. A more detailed analysis of findings is available in other SSA reports. SSA documents indicate that the employment pattern among disabled persons has deteriorated, not improved, since the survey was taken.

Disability statistics are notoriously variable. Each study defines the term "disability" differently, each asks different questions, each samples a different segment of the population. Definitive answers must await a full census study. Until then, however, data such as those emanating from SSA surveys help to define the scope and magnitude of the problem; these data also indicate how interrelated are the problems of disabled adults.

The SSA got into the whole issue of disability statistics and continues to be keenly interested in the topic largely because the social security disability insurance (SSDI) program is providing monthly benefits to vastly larger numbers of people than originally envisioned. Even the new social security law, with its increases in taxes paid on earnings, will not cover the costs of the program, but merely delays bankruptcy by another 30 years. Between 1.2 and 1.3 million applications for SSDI benefits are received annually and the program pays \$12 billion in benefits each year to 2.8 million beneficiaries. Partly because of unreliable estimates of the disability population but more because of societal preferences to segregate disabled people from the community, the original program greatly underestimated the number of likely beneficiaries.

The problem is getting worse because even as programs to advance recruitment and employment of minority group members and women are accelerated, little is being done to enhance employment of disabled people. The barriers these people face in education, employment, and community access, particularly in transportation and housing, force large numbers out of the labor force. Three-fourths of all men and almost nine-tenths of all women who were judged totally disabled were out of the labor force. Many of them were on SSDI, supplemental security income (SSI), welfare, or other programs.

And this is why accessibility doesn't cost, it pays. Our society is spending more than \$100 billion each year on dependency among disabled people, money it would likely save by investing much smaller amounts in education, training, and accessibility efforts in the community.

Pennhurst, continued

care is an almost impossible task. Theoretically, all of these people should be living in the community." Added the Pennsylvania Deputy Attorney General, representing the state defendants: "The Commonwealth is quite simply not defending Pennhurst." Nevertheless, the State is appealing the decision.

Implementation of the decision raises intriguing issues of vital importance and deep concern to disabled people and their representatives. If, as Judge Brod-

erick ruled, institutionalization without regard for provision of equal services violates section 504 and other prohibitions against segregation on the basis of disability, what kinds of community-based programs would be in compliance with the law? Equally central is the problem of effecting community-based programs in an America frequently hostile to such integration. Mainstreaming of retarded adults appears more likely to succeed in towns like Waterbury, Vermont, where community residents have had since 1891 to become

accustomed to seeing retarded persons in their neighborhoods because of the presence of the Vermont State Hospital, rather than in places like Suffolk County, Long Island, New York, where state efforts to rent a private home as a hostel for nine retarded adults produced strong community objections. And the problem of providing supportive services that are of high quality and ready availability in cities and towns across the nation has yet to be solved satisfactorily.

The American Coalition long has supported deinstitutionalization for its humanistic, civil rights, and personal development implications. With member organizations *National Association for Retarded Citizens*, *United Cerebral Palsy Associations*, and other concerned groups, ACCD plans to continue its advocacy in this area and hails the Broderick decision as a highly significant advance for retarded and other disabled individuals.

The *Public Interest Law Center of Philadelphia* (PILCOP) which represented the plaintiffs, once again illustrated its expertise and sensitivity on disability-related law issues. PILCOP's chief counsel, *Thomas Gilhool*, represented the Pennsylvania Association for Retarded Citizens in the Pennhurst case, as he did in the landmark *P.A.R.C. v. State of Pennsylvania* case which established the right of retarded children to a public education beginning at the same age nondisabled children start school. The *P.A.R.C.* case led eventually to Public Law 94-142, The Education for All Handicapped Children Act of 1975.

Section 504 implementation is slow

Secretary of Health, Education, and Welfare (HEW) Joseph A. Califano, Jr., signed on 4 January 1978 a regulation providing guidelines for some 27 federal departments and agencies to follow in developing rules for applying section 504 of the Rehabilitation Act of 1973, as amended. **Executive Order 11914**, signed by then-President Gerald Ford on 28 April 1976, made HEW "lead agency" on section 504 implementation, directed the Secretary to issue the first set of rules interpreting the statute, and assigned to the Department responsibility for ensuring that other departments and agencies covered under the law prepared regulations consistent with those rules. Califano signed the HEW section 504 rules in 1977 following a nationwide demonstration by disabled people. The demonstration, the largest and most successful protest disabled people had mounted in history, was viewed by leaders as a last resort subsequent to more than three years of Federal inaction on the regulation.

Among the departments and agencies which will be drafting regulations over the next nine months are Agriculture, Defense, State, Housing and Urban Development, Justice, Transportation, Labor, Veterans Administration, and Commerce.

The HEW guidelines instruct each agency to draft a proposed regulation within ninety days of the effective date of the new rule, hold a public comment period, and, within 135 days of the closing of the comment period, publish final regulations governing how section 504 will be applied to its grant and other fiscal assistance programs.

All states, counties, cities, public and private agencies, institutions, organizations, firms, or persons to which federal financial assistance is extended directly or through another recipient will be subject to rules developed by the department and/or agency from which funds are received. The term "federal financial assistance" is defined to mean any grant, loan, contract (other than a procurement contract or contract of insurance or guaranty), or any other arrangement by which an agency provides or otherwise makes available assistance in the form of funds, services of federal personnel, or real and personal property. P.L. 95-602 makes the agencies themselves subject to section 504.

The rules issued by the different agencies must be consistent with that of HEW. If these rules diverge markedly, the result will be chaos for states, cities, and large entities receiving funds from more than one agency. More serious, the rights of disabled people will be gravely jeopardized. Conversely, uniform and coherent rules will provide readily understood and applied procedures through which recipients may come into compliance, not just with one agency, but with all from whom funds are or may be secured.

The fact that virtually every major federal department is required by the Executive Order, the recent HEW rule, and P.L. 95-602 to develop similar regulations on removing discrimination on the basis of disability provides an unprecedented opportunity for disabled people and their advocates to secure from the federal government and recipients of federal funds a coherent and consistently administered and effected policy for the first time in this country's history. And because virtually every aspect of modern American life, from transportation to housing, education to employment, health care to veterans programs, is subsidized at least in part by federal funds, this policy will have a massive impact upon the lives of disabled Americans.

At the same time, serious problems must be resolved. Even as the departments and agencies are drafting rules for eliminating and prohibiting discrimination on the basis of disability in programs supported by funds they administer, recipients of funds from the HEW section 504

regulation now in effect require more consistent and coherent guidance from the Department on interpretations of the regulation. This means that disabled people and those interested in their welfare must make a concerted effort to ensure that the HEW regulation is implemented in a fair, balanced, and intelligent fashion.

Section 504 has generated considerable press coverage, both for its important provisions protecting disabled people from unjust discrimination and for the problems associated to date with its implementation. Several court cases, some of which are reviewed in this issue of *The Coalition*, have upheld the rights of disabled people because of the statute and the HEW regulation, yet some recipients of funds from the Department, with often-justified anger, are demanding more precise guidelines as to what is expected of them in complying with the rules. Such precision is in the best interests of disabled people and is a central feature of ACCD's advocacy efforts in this area. Yet, and this is a critical issue, the press coverage, the interpretation problems, and the areas of discrimination subject to law all will be magnified substantially over the next few months. This is particularly true because many of the agencies, and their recipients, have had little experience with disabled people, with identification of discrimination on the basis of disability, and with accommodating programs and activities for people who are disabled.

The American Coalition of Citizens with Disabilities, Inc., (ACCD), will be targeting much of its effort toward ensuring that consistent and coherent rules are developed, implemented, and enforced in a fair, equitable, and enlightened manner. While many other issues of great importance currently face disabled people and their representatives, the Coalition is convinced that full implementation of the Executive Order may produce broader and more enduring benefits for disabled Americans than any other single activity undertaken in the foreseeable future. It has the potential for inaugurating, after two hundred years of segregation and discrimination, genuine first-class citizenship for 36 million men, women, and children who do not now have an equal opportunity to earn a living and live a full and satisfying life.

For all of these reasons, the slow pace of rulemaking is a cause for serious concern. Although the agencies were required by the Executive Order to issue proposed regulations within 90 days (by 15 April 1978), few did. As of the end of 1978, only half of the 27 had issued proposed rules. Final regulations for these are scheduled for early 1979.

Equally serious, some of the proposed rules contained major variances from the HEW guidelines. While such agencies as the Community Services Administration, Department of Transportation, National Endowment for the Arts, and others, pro-

posed excellent regulations, others, including the Department of Housing and Urban Development, published regulations replete with loopholes, exemptions, and waivers.

The divergence in publication dates for final rules, with the concomitant variation in effective dates for different phases of implementation, together with the differences in requirements potentially will mean that cities, universities, and other recipients of grants from multiple sources will face unnecessary obstacles to securing and retaining federal financial assistance.

And more important, disabled people will be at a loss to understand who is required to do what by when—and which rights they may realistically expect to have protected.

The obligation of HEW, and the President, to move quickly on section 504 implementation is inescapable. We will be watching closely, as will millions of disabled Americans.

Industry leaders are puzzled by reluctance of disabled applicants

ACCD has learned through its employment training and technical-assistance programs for private industry that relatively few disabled applicants are claiming protection under section 503 of the Rehabilitation Act, as amended. Their failure to identify themselves as disabled, and thus qualify for affirmative action provisions, has equal-employment specialists puzzled.

The reluctance apparently may be traced to the fact that most disabled Americans are not familiar with the requirements imposed by the statute, to the ineffectiveness of the Department of Labor's (DOL) past enforcement efforts, and to a widespread perception by disabled people that industry generally does not take affirmative action for disabled applicants seriously.

Whatever the merits of these factors, the situation has changed markedly in the past several months with respect to DOL's enforcement posture. A vigorous compliance-review program is producing results. And ACCD is convinced, from personal experience with major employers nationwide, that industry is prepared as never before to recruit and employ disabled people.

The **Office of Federal Contract Compliance Programs** (OFCCP), directed by *Weldon Rougeau*, has announced it will conduct 17,000 directed compliance reviews of federal contractors subject to section 503 during the 1979 Fiscal Year. A pilot compliance-review effort during 1978 revealed that 90% of the companies studied were not in compliance with the provisions of the law and of DOL's regu-

lation. The high proportion of noncompliers appears to indicate that industry needs technical assistance on how to meet the demands of the rules more than it seems to reveal an unwillingness to comply.

Certainly this is ACCD's experience. Workshops conducted by *Ted Brosnan* have produced rapid, effective improvements in industry affirmative-action procedures not only because the training was specific and detailed but more importantly because the industry representatives were "ready to learn," that is, willing to comply but desiring to know how to do so. We believe that continuation and expansion of our corporate training and technical-assistance programs are essential.

Two parts of the puzzle, then, are coming together: the government is becoming serious about enforcement and industry is more and more desirous of hiring disabled employees. The third piece, however, remains: far too many disabled people either do not know of their rights under law or are convinced that these rights are more illusory than real.

The widespread unawareness among disabled people concerning the statute's provisions will yield only to an intensive campaign designed to acquaint these individuals with the specific rights they are guaranteed under the law, the conditions under which these rights hold, and the procedures to be followed by applicants wishing to take advantage of the statute.

How willing disabled people will be to identify themselves as disabled, however, is another question. Bitter experience during long job-hunting periods, and repeated rejection, produce lasting wounds not likely to be susceptible to public-relations efforts.

ACCD is determined to inform disabled people of their rights, to assist them in obtaining these rights, and to provide whatever help may be required to convince them that declaring themselves to be disabled may in fact assist them to obtain employment commensurate with their abilities and training.

Federal employment opportunities

Disabled persons seeking jobs or promotions in federal agencies are protected against unjust discrimination under complaint processes established by the Civil Service Commission and administered by the Equal Employment Opportunity Commission (EEOC) under the new civil service reform procedure.

The regulation prohibits discrimination on the basis of physical or mental disability, offering disabled persons access to the same complaint procedures previously established for complaints based on race, color, religion, sex, national origin,

and age. The Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (P.L. 95-602) removes the exceptions made in the regulation because of limitations in the agency's authority; these relate primarily to back-pay relief for complainants and private right of action.

The rules proclaim that it is now policy that "The Federal Government shall become a model employer of handicapped individuals." Reasonable accommodation to enable a qualified disabled person to perform work for which he or she is trained shall be made; the recent civil-service reform legislation establishes positions of interpreters for deaf people and readers for blind individuals. Other accommodations, such as removal of architectural barriers, are expected to be made.

Other important changes in federal employment of disabled people include revisions in Schedule A (excepted) appointments which will for the first time permit a disabled person hired under Schedule A special-evaluation processes instead of the regular civil-service examination to convert to regular civil service status after a successful two-year period of employment. Two new laws, the Federal Employees' Flexible and Compressed Work Schedules Act of 1978, signed by the President 29 September, and the Federal Employees' Part-time Career Employment Act of 1978, signed two weeks later, will serve to encourage severely disabled people to seek federal employment by permitting "flextime" work arrangements and part-time employment.

Although a general job-freeze was instituted 25 October 1978 by the President as part of his inflation-fighting effort, one agency, HEW's Office for Civil Rights, expects to hire substantial numbers of disabled persons as administrators, investigators, clerical workers, and attorneys. A total of 898 positions, most of them in HEW Regional Offices, are being filled.

Pratt agreement may accelerate HEW 504 enforcement

On 29 December 1977, HEW Secretary *Joseph A. Califano, Jr.*, entered into a consent agreement with attorneys for plaintiffs in three long-standing civil rights suits against the Department. The agreement commits the Office for Civil Rights (OCR) to employ an additional 898 investigators, to attempt to eliminate the backlog of cases currently on file within nine months, and to apply timetables to all aspects of the Office's responsibilities. The agreement, imposed by U.S. District Court Judge John Pratt, covers section 504 as well as antidiscrimination statutes relating

to race, sex, and national origin. **The 95th Congress' appropriation enabling OCR to hire the 898 new staff brings the order into effect one full year after its issuance.**

The cases covered by the agreement are *Adams v. Califano*, a 1970 suit relating to Title VI of the 1964 Civil Rights Act and in which representatives of organizations of disabled people entered on behalf of beneficiaries of section 504 in 1976; *WEAL v. Califano*, a 1974 suit concerned with Title IX of the 1972 Education Amendments; and *Brown v. Califano*, a 1975 case brought on the same grounds as *Adams*.

The 54-page agreement spells out in considerable detail the timetables OCR will follow in processing complaints. All *complete complaints*—those specifying the complainant by name and address, describing or identifying those injured by the alleged discrimination (names are not required), and identifying the institution or individual said to have discriminated, in sufficient detail to inform OCR what discrimination occurred and when—must be acknowledged within **15 days** and a determination made as to whether discrimination has in fact occurred within **105 days** of receipt of the complaint.

The Pratt decree authorizes OCR to conduct compliance reviews of recipients of HEW funds to assess the overall civil rights compliance in the institutions. Such broad investigations were rare in the past, as OCR concentrated upon individual complaints, but formed part of the Office's current annual operating plan and were already being conducted. Secretary Califano has commented that the provision to OCR of authority to conduct compliance reviews is the most significant part of the consent agreement, because complaints generally emanate only from the more sophisticated beneficiaries of civil rights laws while others, many poor and disabled, do not complain because they are not aware of their rights. Under the compliance review process, recipients may be chosen at random for in-depth and on-site investigation regardless of whether or not complaints alleging discrimination have been filed against the institution, program, or individual.

If a violation is found to have occurred, OCR shall bring the recipient into voluntary compliance through negotiations. *If corrective action has not taken place within 195 days of receipt of the complaint, OCR shall initiate formal enforcement action, including administrative procedures and termination of funds, no later than 225 days after receipt of the original complaint.*

The consent agreement marks the first time that goals and timetables have been applied to enforcement of a civil rights statute specifically affecting disabled people.

Priorities for action: 1979

ACCD plans to focus upon ten key objectives during 1979. These priorities provide the foundation for our advocacy, research and training, and development efforts in the year to come. The ten goals are set out below:

1. *Advise Disabled Americans of Rights and Services.* The Coalition estimates that as many as 85% of all disabled persons in this country are not aware of the rights they possess under legislation enacted over the past five years and are not acquainted with the various services available to them from federal, state, and local public and private agencies.

While some disabled individuals are extremely well-informed about such rights and services, the vast majority know little or nothing. Misinformation is rampant. And information provided by governmental agencies often is subtly biased to obfuscate inadequacies and gaps in services. What is needed is a broad-based, multimedia campaign providing sound, objective information about what services are available, where, and for whom, and about what rights are guaranteed, under what conditions, in what institutions and companies, and for whom. Disabled people need to be advised not only what should be there, but what to do if it is not. We can think of no more important goal for ACCD.

2. *Develop State Coalitions.* One of the most striking ways 1979 will differ from 1978 is that the scene will shift from Washington to the states. That is, while 1978

saw important advances in legislation and regulations, beginning in 1979 the crucial implementation of these laws and rules will take place across the nation. Coalitions of disabled people, professionals, parents, and other interested persons will be needed to monitor compliance with legislation ensuring rights and provision of services to qualified individuals.

3. *Advocate for Improved SSI/SSDI Regulations.* Fully half of all working-age disabled adults in this country are on some form of public income maintenance. Most are beneficiaries either of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). The regulations governing these programs were written with a conception of disabled people as "totally" disabled and "unable to engage in any substantial gainful activity." As a result, they pose serious disincentives to employment for those disabled individuals who want to be independent but who need some support in order to do so.

4. *Secure Effective and Consistent Implementation and Enforcement of Sections 503 and 504.* Twenty seven departments and agencies will be following the lead of HEW in issuing, implementing, and enforcing section 504 regulations. ACCD will be watching this process very closely to ensure that the rules are implemented in a consistent fashion and enforced vigorously. Similarly, the recent steps by DOL to enforce section 503 need to be encouraged and monitored.

5. *Stimulate Enhanced Educational Opportunities.* We will focus primarily upon identifying disabled children, youth, and adults who need and qualify for educational services but who are not now receiving such assistance or who are obtaining inadequate services. This "child find" effort will complement that of the U.S. Office of Education. We will also concentrate upon vocational education, believing that this is perhaps the least available service and yet one of the most important if

disabled people are to secure the training they need to become "qualified" for employment and for protection under sections 501, 503, and 504 of the Rehabilitation Act.

6. *Acquaint Employment Specialists in Private Enterprise with Effective and Cost-Beneficial Techniques of Access and Reasonable Accommodation.* We will continue, and expand, our corporate training seminars while at the same time broadening our technical assistance efforts on behalf of individual companies.

7. *Improve Rehabilitation Service Delivery.* ACCD plans to conduct several research and training projects aimed at identifying techniques of enhanced consumer involvement in rehabilitation and improved strategies of delivering essential services to severely disabled individuals.

8. *Increase Media Coverage of Disability Issues.* Press attention has focused upon the anticipated costs of access for disabled people much more than upon services that are not made available, rights that are not protected, and the costs that are incurred by our society as a result of these denied rights and services.

9. *Strengthen Cross-Constituency Cooperation.* During the past two years, ties have been established with leading civil rights, church, labor union, and corporate constituencies through which we were able to pursue common causes. These links have proven invaluable and are expected to become even more critical in the years ahead.

10. *Seek International Recognition of Rights for Disabled People.* Looking toward 1981, the International Year of Disabled Persons, ACCD plans to work with the United Nations on a possible resolution recognizing the human rights of the world's estimated 400 million disabled citizens.

Reader reaction to these priorities is welcomed. Please write to ACCD at the address below. Thank you.

Membership in ACCD

The **American Coalition of Citizens with Disabilities, Inc. (ACCD)**, is a national, nonprofit membership coalition dedicated to enhancing the human and civil rights of America's 36 million disabled citizens. As an umbrella organization of and for disabled persons, we are committed to improving the quality of life for all Americans by helping disabled persons help themselves. Our services include advocacy, referral services and information and publication distribution.

ACCD members may be organizations or individuals actively involved in disability or associated with it. For more information about programs, plans and membership, fill out the form below and return it to **ACCD, 1346 Conn. Ave., N.W., Washington, D.C. 20036** or call **(202) 785-4265**.

I would like more information about membership in ACCD.

NAME _____

HOME ADDRESS _____

ORGANIZATION _____

POSITION _____

OFFICE TEL. _____ HOME TEL. _____

Please enroll me as an individual member. I enclose \$5 dues and \$ _____ as a tax deductible contribution to support ACCD.

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